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9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 **SANDRA KIRKMAN AND CARLOS
13 ALANIZ, INDIVIDUALLY AND AS
14 SUCCESSORS-IN-INTEREST TO
15 JOHN ALANIZ, DECEASED,**

16 Plaintiffs,

17 v.
18

19 **STATE OF CALIFORNIA; RAMON
20 SILVA; AND DOES 1-10,
INCLUSIVE,**

Defendants.

Case No. 2:23-cv-07532-DMG-SSC

**DECLARATION OF DEPUTY
ATTORNEY GENERAL ASHLEY
REYES IN SUPPORT OF
DEFENDANTS' MOTION TO
STAY CERTAIN DISCOVERY
AND AMEND SCHEDULING
ORDER**

Date: January 12, 2024

Time: 9:30 a.m.

Courtroom: 8C

Judge: Honorable Dolly M. Gee

Trial Date: Not yet set.

Action Filed: 7/28/2023

21 I, Ashley Reyes, declare as follows:

22 1. I am a duly appointed Deputy Attorney General and am assigned to
23 represent Defendants in the above-captioned action. The facts set forth herein are
24 within my personal knowledge, except where otherwise indicated, and if called to
25 testify herein I could and would competently testify thereto.

26 2. This incident is currently under investigation by the Office of the
27 Attorney General, California Department of Justice (DOJ), pursuant to California
28 Assembly Bill 1506. Many of the factual circumstances at the center of the DOJ's

1 review involve the same facts and assertions set forth by plaintiffs in this civil
2 lawsuit. As of the date of filing this motion, it is my understanding that the DOJ's
3 review remains open and pending.

4 3. In accordance with Fed. R. Civ. Proc. 26, the parties met and conferred in
5 preparation for filing a Rule 26 Joint Report in advance of the Scheduling
6 Conference. As part of these meet and confer discussions, the parties addressed the
7 need for a possible motion to stay discovery pending completion of the DOJ's
8 review of the subject shooting.

9 4. On November 17, 2023, I spoke with Plaintiffs' counsel, Shannon
10 Leap, regarding a proposed stipulation to stay discovery pertaining to Officer Silva
11 pending the outcome of the DOJ's investigation. Ms. Leap informed me that
12 Plaintiffs would not be amenable to entering into a stipulation and would oppose a
13 motion to stay the proceedings. We were therefore unable to reach an agreement.

14 5. The parties will be diligent in conducting other discovery that does not
15 involve the officer defendant. Plaintiff has already propounded written discovery to
16 Defendant State, who will be providing responses thereto, as well as documents
17 including non-privileged investigatory materials.

18 I declare under penalty of perjury under the laws of the United States of
19 America that the foregoing is true and correct.

20 || Executed on December 4, 2023, at Fresno, California.

/s/ *Ashley Reves*

Ashley Reyes

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CERTIFICATE OF SERVICE

Case Name: *Sandra Kirkman, et al. v. State of California, et al.* No. **2:23-cv-07532-DMG-SSC**

I hereby certify that on December 4, 2023, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

DECLARATION OF DEPUTY OF ATTORNEY GENERAL ASHLEY REYES IN SUPPORT OF DEFENDANTS' MOTION TO STAY CERTAIN DISCOVERY AND AMEND SCHEDULING ORDER

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on December 4, 2023, at Fresno, California.

Carrie Vue
Declarant

/s/ *Carrie Vue*
Signature

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